

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
MAY 16, 2012 at 7:00 p.m. in the Vernal City Council Room, 374 East Main,  
Vernal, Utah 84078.

**PRESENT:** Councilmembers Ted Munford, Dave Everett, Sonja Norton, Bert Clark and JoAnn Cowan, and Mayor Gary Showalter.

**WELCOME:** Mayor Showalter welcomed everyone to the meeting.

**STAFF PRESENT:** Ken Bassett, Allen Parker and Roxanne Behunin.

**INVOCATION OR UPLIFTING THOUGHT:** Councilmember Ted Munford gave an invocation.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Councilmember Dave Everett.

**APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF MAY 2, 2012:**  
*Councilmember Bert Clark moved to approve the minutes of May 2, 2012 as written. Councilmember Sonja Norton seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Norton, and Clark voting in favor.*

**APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF MAY 7, 2012:**  
*Councilmember JoAnn Cowan moved to approve the minutes of May 7, 2012. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Norton, and Clark voting in favor.*

**APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF MAY 8, 2012:**  
*Councilmember Bert Clark moved to approve the minutes of May 8, 2012. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Norton, and Clark voting in favor.*

**PRESENTATION TO TERRY SHINER FOR OUTSTANDING COLLECTION OPERATOR, DEPARTMENT OF WATER QUALITY - PAUL KROUTH:** Mr. Paul Krouth, with the Utah Department of Water Quality and the President of Utah Environmental Association, stated that he would like to present an award to Mr. Terry Shiner as the Outstanding Collection Operator of the Year. He noted that there are approximately 400 operator's in Utah eligible for this award, and Mr. Shiner was selected. Mr. Krouth presented the award and congratulated Mr. Shiner. Mayor Gary Showalter stated that he has observed the dedication of Mr. Terry Shiner to the City, and it is a pleasure to watch him receive this award. The Council and Mayor congratulated Terry on his award and thanked him for his service to the City.

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**PUBLIC HEARING: FY2013 BUDGET:** Mayor Showalter opened the public hearing to receive comments on the FY2013 budget. He noted that the Council has reviewed the department budgets. Ken Bassett stated that he has spent time with both the radio station and Vernal Express explaining the upcoming budget requests. Councilmember JoAnn Cowan commented that the budget does not include any fee increases and the sales tax, which is the major tax for the City is up leaving the City in a better financial position than last year. There were no further public comments, and the public hearing was closed.

**PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE, TITLE 16 - PLANNING & ZONING, AMENDED PLATS - CHAPTER 16.58 - ORDINANCE NO. 2012-13:** Allen Parker explained that this ordinance amends the section of the code dealing with property boundary adjustments. The current regulation requires public hearings before the Planning Commission and City Council before a property owner can change their property boundary. The Planning Commission reviewed the requirements and is forwarding the recommendation to amend the noticing requirements and only require one public hearing. Ken Bassett asked if the time frame for noticing the public hearing met State statute. Allen Parker answered that there is no State requirement. He stated that this ordinance clarifies what steps need to be taken before a property line is changed. Mayor Showalter opened the public hearing and asked for public comments. There were no public comments, and the hearing was closed. *Councilmember Bert Clark moved to approve Ordinance No. 2012-13 as presented. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford .....aye;*
- Councilmember Cowan..... aye.*
- Councilmember Everett .....aye;*
- Councilmember Norton.....aye;*
- Councilmember Clark ..... aye.*

**PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE, TITLE 16 - PLANNING & ZONING, SUBDIVISION FINANCIAL GUARANTEE - CHAPTER 16.58 - ORDINANCE NO. 2012-14:** Allen Parker explained that the Planning Commission is recommending that the performance guarantee for subdivisions include two private utilities – natural gas and electricity. This ordinance would require the developer to deposit 100% of the cost to install these two private utilities as part of the escrow agreement which would be refunded once the utilities are installed. Councilmember Cowan asked what evidence would be submitted to prove the utilities have been installed. Allen Parker stated that the utility companies would provide that notice once their crew install the lines. Ken Bassett stated that the problem with this requirement is that the utilities companies also require the developer to pay them up front to install the utilities costing them twice the price until the work is done. He suggested the Council consider another option of having the utility companies provide proof that the developer has paid for the improvements before any certificate of occupancy is issued by the building official. Councilmember Norton agreed and noted that it

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was the intent of the Planning Commission to have the developer pay the utility companies. Mayor Showalter opened the public hearing. Mr. Kimball Glazier, a local developer, stated that this ordinance would place a financial burden on the developers which would have to be passed onto the consumers driving the price of land up. Councilmember Cowan moved to table Ordinance No. 2012-14 until the wording can be redrafted as suggested. Councilmember Norton stated if the developer goes bankrupt before finishing the subdivision, the lots remain unsellable. After further discussion, Councilmember Cowan withdrew her motion. Mr. Kimball Glazier liked the idea of prepaying the utility companies for the improvements. Ken Bassett suggested the wording in the ordinance be amended to read that 100% of the cost of installation of electrical and natural gas must be paid to the utility company prior to any building permit being issued with proof of payment being provided to the City by the utility company. Councilmember JoAnn Cowan moved to adopt Ordinance No. 2012-14 with the amendments suggested. Councilmember Ted Munford seconded the motion. After additional discussion, the motion was rescinded. Mayor Showalter closed the public hearing on this ordinance. Allen Parker rewrote the ordinance and read the section for the Council. *Councilmember Dave Everett moved to approve Ordinance No. 2012-14 with the new language. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford .....aye;*
- Councilmember Cowan..... aye.*
- Councilmember Everett .....aye;*
- Councilmember Norton.....aye;*
- Councilmember Clark ..... aye.*

**PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE, TITLE 16 - PLANNING & ZONING, MINOR SUBDIVISIONS - ORDINANCE NO. 2012-15:**

Allen Parker stated that Ordinance No. 2012-15 reduces the amount of time necessary to notice a public hearing for minor subdivisions from seven days to five days and eliminates the requirement to notify neighboring property owners. The neighboring property owners become alarmed thinking a subdivision is being added next to their home when their neighbor is simply asking to split his property into two or three lots. Councilmember Clark asked for clarification that the zone cannot be changed with the lot split. Allen Parker agreed. Mayor Showalter opened the public hearing. There were no public comments, and the hearing was closed. *Councilmember Sonja Norton moved to approve Ordinance No. 2012-15 as presented. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford .....aye;*
- Councilmember Cowan..... aye.*
- Councilmember Everett .....aye;*
- Councilmember Norton.....aye;*
- Councilmember Clark ..... aye.*

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**PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE, TITLE 16 - PLANNING & ZONING, DEVELOPMENT AGREEMENTS - ORDINANCE NO. 2012-16:** Allen Parker explained that this Ordinance amends the requirement for development agreement when property is rezoned. The intent is to put control of content of the agreement in the hands of the City Council without sending it back to the Planning Commission for review. Also, any termination of that agreement will be outlined within the provisions of the agreement. Mayor Showalter opened the public hearing. Allen Parker noted that the provisions of the development agreement must be agreed upon by the Council and other party requesting the rezone. There were no additional public comments, and the hearing was closed. *Councilmember Bert Clark moved to approve Ordinance No. 2012-16 as presented. Councilmember JoAnn Cowan seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford .....aye;*
- Councilmember Cowan..... aye.*
- Councilmember Everett .....aye;*
- Councilmember Norton.....aye;*
- Councilmember Clark ..... aye.*

**PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE, TITLE 16 - PLANNING & ZONING, USES FOR JUNK YARDS - ORDINANCE NO. 2012-17:** Allen Parker explained that Ordinance No. 2012-17 amends the code to allow junk yards as a conditional use in the industrial zone. The code had a definition of a junk yard, however, it was silent on where they could be placed. The Planning Commission has reviewed this Ordinance and is forwarding a positive recommendation. Mayor Showalter opened the public hearing. Councilmember Bert Clark asked if there were provisions for storing hazardous material such as a setback requirement. He stated that many times fuel barrels or other items are pushed to the outskirts of the property which could end up contaminating neighboring property. Allen Parker stated that the Planning Commission can add the placement of hazardous materials on the site as an item of review before approving a conditional use permit. Mr. Ed Zurbuchen asked for a clarification on what a junk yard is. Allen Parker stated that it is a salvage yard. Councilmember Clark asked about the required height of the fence surrounding the junk yard and mentioned that there could be a wind impact on an eight foot high fence. Mayor Showalter stated the fence has to be high enough for security. There was some discussion regarding the height of the fence based on the elevation of the highway and if the business owner stacks the vehicles. Mayor Showalter suggested that a sight obscuring fence be required along a highway. Councilmember Munford stated that a sight obscuring fence is needed next to a residential area as well. Allen Parker stated that the way the code is written now, a sight obscuring fence is required around the entire perimeter. Councilmember Clark stated that the police need some way of seeing inside the fence to take care of any problems. There were no further public comments and the public hearing was closed. Councilmember Cowan suggested the section be amended to require conditions, such as the gate being see thru, for security. *Councilmember Ted Munford moved to approve Ordinance No. 2012-17 with changes as recommended.*

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*Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote.*

*Councilmember Munford .....aye;*  
*Councilmember Cowan..... aye.*  
*Councilmember Everett .....aye;*  
*Councilmember Norton.....aye;*  
*Councilmember Clark ..... aye.*

**PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE, TITLE 16 - PLANNING & ZONING, USES FOR SCHOOLS - ORDINANCE NO. 2012-18:**

Allen Parker explained that this ordinance is a housekeeping item to make the code consistent. Other sections of code refer to schools, public and private, however in this section schools are referred to as educational institutions. The ordinance changes the name to “schools”. Mayor Showalter opened the public hearing. There were no public comments and the hearing was closed. *Councilmember Sonja Norton moved to approve Ordinance No. 2012-18 as presented. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford .....aye;*  
*Councilmember Cowan..... aye.*  
*Councilmember Everett .....aye;*  
*Councilmember Norton.....aye;*  
*Councilmember Clark ..... aye.*

**PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE, TITLE 16 - PLANNING & ZONING, POLE SIGNS AND MULTI-TENANT SIGNS - ORDINANCE NO. 2012-19:**

Allen Parker explained that this Ordinance has been drafted to clarify the height requirements for pole signs that extend over roads or walkways. The sign needs to be at last fourteen feet off the ground in these areas. Mayor Showalter asked if the strength of the pole holding the sign is verified. Allen Parker stated that the specifications are reviewed by the building inspector and must be submitted by an engineer. Mayor Showalter opened the public hearing. There were no public comments and the hearing was closed. *Councilmember JoAnn Cowan moved to approve Ordinance No. 2012-19 as presented. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford .....aye;*  
*Councilmember Cowan..... aye.*  
*Councilmember Everett .....aye;*  
*Councilmember Norton.....aye;*  
*Councilmember Clark ..... aye.*

**REQUEST FOR APPROVAL OF SPRING CREEK DEVELOPMENT AGREEMENT FOR REZONE ORDINANCE NO. 2011-19:**

Allen Parker reminded the Council that they

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previously approved rezoning a plot of land at 660 North 100 West adjacent to Spring Creek Development in order to build a club house with minor retail space. The property was rezoned from R-2 residential to R-4 residential with the approval of a development agreement outlining the provisions of what could be placed on the property. Bart Hyde, developer, explained that he is trying to incorporate something that will fit in with his development and add amenities. The building will include an area for a beauty salon, a gathering room, kitchenette, and exercise room along with living quarters for a maintenance person. He presented a floor plan for the building. Councilmember Munford asked if the salon will be privately run or under the homeowners association. Bart Hyde stated that the building will be owned by Jurassic Properties and possibly leased to the HOA. Councilmember Everett asked if a commercial zone is necessary for the salon. Allen Parker explained that the R-4 residential zone allows limited types of commercial uses. Councilmember Cowan noted that there are home based beauty shops in residential zones, and they do not cause problems. Councilmember Norton asked what will happen if he wants to add to the building. Allen Parker stated that Mr. Hyde will have to ask the Council to amend the agreement. He noted that the agreement specifies no alcohol, and that should be amended to state no sale of alcohol. Councilmember Norton asked when this project will be finished. Bart Hyde stated he is planning on completing it by the end of the year. There was some discussion regarding the layout of the building. *Councilmember JoAnn Cowan moved to approve the development agreement to go along with the rezone ordinance with more specific language allowing the beauty salon. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford .....aye;*
- Councilmember Cowan..... aye.*
- Councilmember Everett .....aye;*
- Councilmember Norton.....aye;*
- Councilmember Clark ..... aye.*

**REQUEST FOR APPROVAL OF EASEMENT AT 100 WEST 100 NORTH PARKING LOT FOR QUESTAR GAS:** Allen Parker explained that Quester Gas has submitted a request for an easement through the City’s parking lot on 100 West and 100 North to replace an old cast iron gas line that is located in that parking lot. There is no written easement in place for this line. Ken Bassett stated this easement will formalize their ability to maintain the line. *Councilmember Sonja Norton moved to approve the easement for Questar Gas at 100 West and 100 North. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Norton, Clark, Everett, Munford and Cowan voting in favor.*

**REQUEST FOR APPROVAL OF AGREEMENT WITH 8TH DISTRICT COURT FOR LANDSCAPING MAINTENANCE:** Ken Bassett explained that the City has been receiving landscaping services from the youth involved with the 8<sup>th</sup> District Court over the last few years. The youth are supervised by a probation officer and provide landscaping maintenance at a cost of \$700 a month. Councilmember Clark asked that they be instructed to collect any debris rather than sweep it into the street. Ken Bassett agreed. *Councilmember Bert Clark moved to approve*

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*the agreement with 8<sup>th</sup> District Court for landscaping maintenance. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Clark, Everett, Munford, Cowan and Norton voting in favor.*

**LEASE AGREEMENT PROPOSAL OF WHITE HOUSE ACADEMY:** Ken Bassett reminded the Council that White House Academy submitted a proposal to lease the administrative offices of the old City Hall for their school. The Council recommended a lease amount of \$5750, and they have countered with \$5125 per month. Mayor Showalter suggested that any lease agreement require them to keep the building in good shape so a buyer can be found eventually. Stephanie Hardin, representing White House Academy, agreed that they will keep the building in good shape. Mayor Showalter suggested the lease be for one year. Stephanie Hardman stated that would be their preference as well. Ken Bassett stated that the City will maintain certain systems such as the HVAC and plumbing and the school will be responsible for custodial services. Councilmember Everett asked who will take care of the landscaping. Ken Bassett stated that the City will be responsible for the landscaping. *Councilmember Ted Munford moved to accept the offer of White House Academy to lease the old City office building for \$5125 per month for a year. Councilmember Sonja Norton seconded the motion. The motion passed with Councilmembers Munford, Norton, Cowan, Clark and Everett voting in favor.*

**REQUEST TO ACCEPT UTILITY EASEMENT FOR ASHLEY CREEK VILLAGE:** Allen Parker explained that the developer of Ashley Creek Village is requesting the City accept the utility easement which runs through the development for an 8" water line. The proposal is to loop the water line to maintain the pressure and provide good fire suppression.. The utility line will be turned over to the City to maintain, and the easement will allow that maintenance. The City Attorney has reviewed the request and drafted an easement document for the water line. However, the legal description will need to be verified by a surveyor before the water line is installed, and the developer has to approve the easement changes proposed by the City Attorney. Councilmember Clark noted that the easement requires a ten foot right-of-way on each side of the easement, and he asked how wide the parking lot will be. Allen Parker stated that the lot is 24 feet to the back of the stalls. Mike Davis stated that one concern is the agreement between the developer and the Division of Drinking Water which requires the water line be installed for the entire development, not just Phase I. Allen Parker agreed the entire line should be part of the agreement, and he will verify the location of the line with the surveyor. Councilmember Clark asked who will inspect the installation of the water line. Mike Davis stated the City may have to hire a private inspector. There was some discussion regarding the inspection of the line. After further discussion, *Councilmember Cowan moved to table approval of this easement until the developer has had opportunity to review the easement documents and the legal description is verified. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Cowan, Clark, Norton, Everett and Munford voting in favor.*

**REVIEW OF BIDS AND AWARD OF CONTRACT FOR PAVEMENT MARKING PROJECT:** Ken Bassett explained that the City received three bids from vendors to paint traffic

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lines on the streets and paint red curbing. The staff recommends the UDOT specifications be used as that requires more durable paint. The low bid from Interstate Barricades is within budget. Councilmember Munford asked if any of the bidders were local vendors. Ken Bassett indicated that they are not local. *Councilmember Cowan moved to approve the bid of Interstate Barricade for the pavement marking project and red curb painting at a cost of \$38, 800 plus \$6396.00. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Cowan, Munford, Everett, Norton and Clark voting in favor.*

**REVIEW OF DENTAL INSURANCE RATES FOR FY2013:** Ken Bassett explained that the City’s dental insurance package is through PEHP, separate from the medical plan. This year PEHP is offering three choices, of which the Council can choose two. The preferred plan does not have the benefits of the other two packages, and the staff is recommending the Council offer the traditional and premium choice plans. Both plans allow the employee to go to any dentist, with the traditional plan offering \$1500 of dental work per year and the premium choice offering \$2000. Mayor Showalter stated that the employee would be given a choice between the two plans. *After further discussion, Councilmember Ted Munford moved to approve providing the traditional and premium choice dental plans for the City employees. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford .....aye;*  
*Councilmember Cowan..... aye.*  
*Councilmember Everett .....aye;*  
*Councilmember Norton.....aye;*  
*Councilmember Clark ..... aye.*

**AMEND VERNAL CITY MUNICIPAL CODE - SECTION 3.32.030 - DISPOSAL OF REAL PROPERTY - ORDINANCE NO. 2012- 22:** Ken Bassett explained that State law mandates how the City can dispose of property and is silent on leasing property. The City code, however, has the same requirements for the sale or lease of property. Ordinance No. 2012-22 will delete the leasing of property from the requirement to hold a public hearing before property can be leased based on the recommendation of the City Attorney. *Councilmember Ted Munford moved to approve Ordinance No. 2012-22. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford .....aye;*  
*Councilmember Cowan..... aye.*  
*Councilmember Everett .....aye;*  
*Councilmember Norton.....aye;*  
*Councilmember Clark ..... aye.*

**REQUEST TO AMEND THE VERNAL CITY PERSONNEL POLICIES & PROCEDURES, DISCIPLINARY ACTION EXEMPTING PROBATIONARY EMPLOYEES - RESOLUTION NO. 2012-10:** Ken Bassett explained that the personnel policy needs to be amended to clarify that probationary employees have no appeal or hearing rights

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during their initial probationary period. Resolution No. 2012-10 provides that clarification, particularly in the area dealing with discipline. The probationary period for most employees is six months, except police officers have a one year probation. *Councilmember Bert Clark moved to approve Resolution No. 2012-10. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford .....aye;*
- Councilmember Cowan..... aye.*
- Councilmember Everett .....aye;*
- Councilmember Norton.....aye;*
- Councilmember Clark ..... aye.*

**ADMINISTRATIVE REPORTS:**

Health Insurance:

Ken Bassett explained that the Administrative Committee needs to meet and review the health insurance quotes for FY2013 and make a final recommendation to the Council at a special meeting next week. The consensus was to have the Administrative Committee meet on Monday morning at 8 am and present a recommendation to the Council on Tuesday at 10 am.

Conference room upstairs

**ADJOURN:** There being no further business, Mayor Showalter asked Youth Mayor Grayson Massey to adjourn the meeting. Mayor Massey declared the meeting adjourned.

\_\_\_\_\_  
Mayor Gary Showalter

ATTEST:

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Roxanne Behunin, Deputy Recorder

( S E A L )